

AMENDED IN SENATE JULY 10, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 358

Introduced by Assembly Member Holden

February 14, 2013

An act to amend Section 105253 of the Health and Safety Code, relating to lead-based paint hazards.

LEGISLATIVE COUNSEL'S DIGEST

AB 358, as amended, Holden. Lead hazard evaluation.

Existing law requires the State Department of Public Health to implement and administer a program to meet the requirements of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992. Under existing law, a person who engages in lead hazard evaluations is required to obtain certification from the department and to comply with specified regulations. Violation of those provisions is a misdemeanor.

~~This bill would require a lead hazard evaluation to be conducted in a manner determined by the department, using lead hazard evaluation methods recognized by the United States Environmental Protection Agency.~~ *authorize the department to update the regulations on lead hazard evaluation methods in order to incorporate the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, as published in 2012 by the federal Department of Housing and Urban Development, and the recommendations of the United States Environmental Protection Agency for lead hazard evaluation*

methodologies. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105253 of the Health and Safety Code
2 is amended to read:

3 105253. (a) (1) ~~Any~~ A person issued a certificate by the
4 department to conduct lead-related construction work, abatement,
5 or lead hazard evaluation, shall comply with regulations as
6 specified in Chapter 8 (commencing with Section 35001) of
7 Division 1 of Title 17 of the California Code of Regulations, as
8 adopted pursuant to Sections 105250 and 124160.

9 ~~(2) Lead hazard evaluation for public and residential buildings~~
10 ~~shall be conducted in a manner determined by the department,~~
11 ~~using lead hazard evaluation methods recognized by the United~~
12 ~~States Environmental Protection Agency.~~

13 (2) *The department may update the regulations, as specified in*
14 *Chapter 8 (commencing with Section 35001) of Division 1 of Title*
15 *17 of the California Code of Regulations, on lead hazard*
16 *evaluation methods in order to incorporate both of the following:*

17 (A) *The Guidelines for the Evaluation and Control of*
18 *Lead-Based Paint Hazards in Housing, as published in 2012 by*
19 *the federal Department of Housing and Urban Development.*

20 (B) *The recommendations of the United States Environmental*
21 *Protection Agency for lead hazard evaluation methodologies, as*
22 *appropriate.*

23 (b) It is unlawful for any person to do either of the following:

24 (1) Falsely represent himself or herself as possessing a certificate
25 issued by the department to conduct lead-related construction work,
26 abatement, or lead hazard evaluation.

1 (2) Submit false information or documentation to the department
2 in order to obtain or renew a certificate to conduct lead-related
3 construction work, abatement, or lead hazard evaluation.

4 (c) The department or any local enforcement agency may,
5 consistent with Section 17972, enter, inspect, and photograph any
6 premises or facilities, and inspect and copy any business record,
7 where any person issued a certificate by the department to perform
8 lead-related construction work conducts business to determine
9 whether the person is complying with this section.

10 (d) A violation of this section shall be punishable by
11 imprisonment for not more than six months in the county jail, a
12 fine of not more than one thousand dollars (\$1,000), or by both
13 that imprisonment and fine.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.